Tome (1954) Department

MS SERIES.

dated 5 August 1955

G.O. No. 3806.

Dated 24-12-54

[Despatch Abstract.]

Famines - South Kanara Dt - Financial assistance to weavers & their dependents - Amount irrecoverable - Case of smt. Thayamma Vennathan Kushakkedathil Cheriya - written off

Ref. Spl.U.B. 9/51.

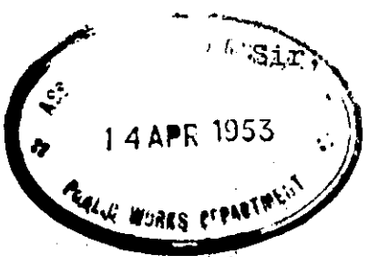
SOUTH KANARA COLLECTOR'S OFFICE
Mangalore, dated - 6- 4- 1953.

From

Sri. C. A. Ramakrishnan, I.C.S.,
Collector of South Kanara.

To

The Secretary to Government,
Public Works Department, Fort. St George,
M a d r a s - 9.



Sub:- Evacuees - Financial assistance to dependants of evacuees - Grant of Rs. 700/- to Thekkambad Vannathan Kizhakke Veettil Cheriya , South Trikarpur - Report - submitted.

--:o:--

Ref:- Government Memo No. 2091/H/50-4 dated 4-10-1950.

===

An advance of Rs. 700/- was granted to Thekkambad Vannathan Kizhekke Veettil Cheriya of South Trikarpur Village. The payee obtained help from Government as her son Vannathan K.V.Kannan was detained in Singapore during the last war. As there were possibilities of recovery the amount by proceedings against the defaulter's properties, a civil suit was filed in the Court of the District Munsiff, Hosdrug which was decreed in favour of the Government. On behalf of the Government a the attachment of the defaulter's property was sought before judgment The court conceeded this request. The defaulter's daughter however filed a petition before the Court for raising the attachment of properties effected on the grounds that the properties belonged to her and were in her exclusive possession and enjoyment. The attachment on the properties was therefore raised by the Court.

2. The Government pleader is of opinion that no useful purpose would be served by filing a suit to set aside the above order. Further enquiries reveal that the evacuee has no other movable or immovable properties. All efforts made to collect the amount by peaceful means have also failed.

3. Under the above circumstances I am of opinion that the amount due is not recoverable by any means and that it may be ordered to be written off as irrecoverable.

4. The connected records of enquiry are enclosed for reference.

Yours faithfully,

For Collector.

vr/6-4-1953.

Prod (4)

Memo no.:

Evacuees - financial assistance - Recovery -
Case of Thekkambad Kunnathan Kizhekke.
Vatil Cheriya -
Reg. from the Collr. of S. Kanara, no. Ref. Std. CB9/57 dt 6.4.53

The Collr. of S. Kanara is requested
to send a copy of the decree granted by the
Hon. Munsif's Court, Hosdrug.

M)/1.

It is observed from paragraph 2 of the Collr's
letter no. Ref. W2 - 30560-49 dt 12.4.50 that the grantee
was in exclusive possession and enjoyment of the props
comprised in R.S. no. 291/1 (Part) and S. no. 291/1B of South
Trichambaram village with a good tiled house worth more than
Rs 4000/- and that she is also receiving an annual
income of about Rs 700/- from her cocoanut gardens.
But the Court's order raising the attachment relates to
R.S. no. 291/1B (garden) alone as it is in the actual
possession and enjoyment of the grantee's daughter on her
own absolute title and interest. The Collr. is requested to
report after careful inquiries whether the other properties
referred to in his letter dt 12.4.50 now actually belong
to her and if so whether action cannot be taken
against them.

14.4.53

Dy. Collr.

Rwd

Memo No. 34903 H/53-1 d/22

Evacuees - financial assistance - Reco
Case of Srimathi Thekkambad Vasumathy,
Kizhakke veetil Cheriya

From The Collr. of S. Kanara, Ref. Spl. CB. 9/5
dt. 6. 4. 53

The Collr. of S. Kanara is
requested to send a copy of the decree
granted by the Dt. Munsif's Court, Hosdr

To
The Collr. of
S. Kanara.

22. 4. 53

Ref.Spl.C.B.9/51.A9. SOUTH KANARA COLLECTOR'S OFFICE,
Mangalore, dated ~~15~~ 1.5. 1953

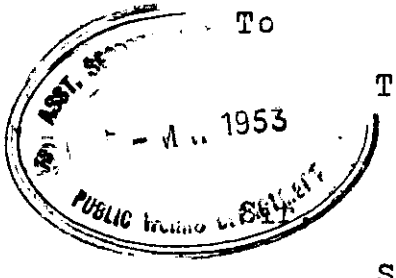
From

Sri. A. Mahalingam Chettiar, B.A.,
Collector of South Kanara.

42195

To

The Secretary to Government,
Public Works Department,
Fort. St.George, Madras-9.



Sub:- EVACUEES - Financial assistance -Recover
case of Srimathi Thekkambad Vannathan Ki[illegible]
Veetil Cheriya - copy of the decree - submitted.

--

Ref:- Government Memo No.35903 H/53-1 P.W.D. Dated
22- 4-1953.

==

A copy of the decree in O.S.No.46/1951 on the file of the District Munsif of Hosdrug is enclosed.

Yours faithfully,

FOR COLLECTOR.

2 Encl. one (copy of the decree at page 9 of the enclosed file)

IN THE COURT OF THE DISTRICT MUNSIF OF HOSDRUG.

PRESENT: SRI P.UNNIKRISHNA KURUP B.A.B.L.

THURSDAY THE 15TH DAY OF MARCH 1951.

Original Suit No.46/1951.

--

Between

Union of India represented by the Dt. Collector of South Kanara Mangalore.) Plaintiff

and

Thikkumpad Vannathan Kizihakke Veetel Cheriya daughter of Kumba aged about 70 years vannathi by caste residing at Talachalth of S.Tricarpur village Post Trikarpur, Kasargod Taluk.) Defendant.

Suit to recover Rs.740/- being the principal and interest due under the terms of a bond dated 1.2.1944 executed by the defendant to plaintiff under the scheme of financial assistance sanctioned by the Government of India to defendants of persons stranded in enemy occupied countries. The defendant was granted a total recoverable advance of Rs.700/-

The cause of action for this suit arose on and since 17.12.49 the date of demand served on the defendant and subsequently also in South Tricarpur village within the jurisdiction of this court.

PLAINTIFF VALUATION

1. Advance obtained		700-0-0
2. Interest		40-0-0
	Total	740-0-0

Plaint presented on 22.1.51.

DECREE: This suit coming on the 15th day of March 1951 for final disposal before me in the presence of Sri K.P.N.Das pleader for the Government (Plaintiff) and of Sri T.C.C.Krishna Varma Raja advocate for the defendant and the defendant having confessed the judgement this court doth order and decree.

1. That the defendant do pay plaintiff the sum of Rs.740/- being the amount claimed in the plaint with interest on Rs.700/- at 5½ percent per annum from 22.1.1951(date of plaint) till payment and do also pay to the said plaintiff the sum of Rs.115.8.0 on account of the cost of this suit with interest thereon at 5½ per cent per annum from this date till date of realisation.

2. The court doth further order and decree that the defendant be and hereby is given three months time to pay up the amount decreed above.

COSTS OF SUIT

PLAINTIFF

1. Stamp for plaint	83.3.0
2. -do- for petitioner	0-12-0
3. Tour fees	1-2--0
4. Process fees	5--7-0
5. Vakil's fee (on confessional scale)	25-0-0
Total	115--8-0

Given under my hand and the seal of the court this the 15th day of March 1950.

(sd)P.Unnikrishna Kurup Dt.Munsif

N.B. The parties should apply as soon as possible for the return of all exhibits which they may with to preserve as the record will be liable to be destroyed after three years or after six years from this date according to the nature of the exhibits under the rules for the destruction of records.

/True copy/

P.W.D.(H-1).

Memo.No.34903-H/53-2 dated 14-5-53

Sub:- Evacuees - Financial assistance - Recovery -Case of Srimathi Thekkambad Vannathan Kizhakke Veetil Cheriya.

Ref:-From the Collector of South Kanara Spl.C.B.9/51 dated 6-4-53.

In his letter W2.30560/49 dated 12-4-50, the Collector of South Kanara reported that Srimathi Thekkambad Vannathan Kizhakke Veetil Cheriya was in exclusive possessio and enjoyment of the properties comprised in R.S.No.291/1 (part) and S.No.291/1B of South Tricarpur village with a good tiled house worth more than Rs.4000/- besides an annual income of Rs.700/- from her cocoanut gardens and that she possessed sufficient means to repay the advance, but was not inclined to do so. Based on this report, the Government of India sanctioned the filing of a suit against the debtor which has been decreed. But the Collector's report in his letter No.Spl.CB.9/51 dated 6-4-53 shows that the properties referred to above belong to the debtor's daughte and are in her exclusive possession and enjoyment and that the debtor possesses no other movable or immovable properties. The Collector of South Kanara is requested to ~~clarify the position and to report the action taken if any, against the person responsible for sending a misleading report in 1950.~~ in the civil suit under which an interim report was made in his letter No. W2.30560/49 dt 12.4.50. The connected records sent by him are returned for reference and resubmission with his report.

To the Collector of S.Kanara.
(with the records)
by regd. post

Memo No. 34903/H/S3.3: dt 53

Subj: Evacuees - Financial assistance Recovery - Case of Smt. Thenkambal Vannathan Krishnakutty Vellil Cheriya.

Ref: Govt memo. 34903/H/S3.2 dt 14.5.53

The Collector of South Kanara is requested to expedite his report to ~~this memo cited above~~

To,
The Collector of
South Kanara

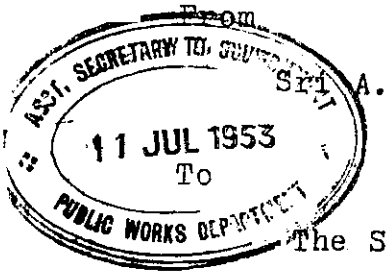
H

13

Ref.Spl.C.B.9/51.

S.Kanara, Collector's Office,
Mangalored/5.7.53.

From



Sri A.Mahalingam Chettiar, B.A.
Collector of South Kanara.

To

The Secretary to Government,
Public Works Department, Fort St.George,
Madras 9.

Sir,

63480 EVACUEES - Financial assistance to dependants of evacuees - Grant of Rs.700Ø- to Thekkambad Vannathan Kizhakeveetil Cheriya - South Trikarpur village - recovery report submitte

Ref: Government (P.W.D.) Memo No.34903/H/53-2 dt.14.5.53.

The connected records of enquiry show that this office report dt.12.4.50 was submitted to the Government on the basis of the report of the A.E.R.O.Hosdrug who held local enquiries in the case. His enquiries disclosed that the payee Cheriye (Sri) was in enjoyment of the garden bought by her son Kannan. It was only after a petition was filed in the court for the attachment of the property, the Judgement debtor's daughter Cheriya by name filed the claim petition stating that she was in actual possession of the property. Cheriya Junior appears to have thus established her tenancy right over the property for a period exceeding 12 years by producing rent receipts obtained in token of payment of rent by her to the landlordd This fact was not brought to the notice of the A.E.R.O. ~~before~~ during the time of enquiry but was placed before the Court by the daughter Cheriya to urge her claims when the attachment petition was heard.

2 It would be seen that both the judgement debtor and her daughter go by the name of 'Cheriya' and this fact should have created some confusion in the minds of the A.E.R.O.

3 It would also be seen that the Pleader for Government was in favour of filing a suit in this case and the proposals dt.12.4.50 were submitted after the Pleader for Government was consulted.

P.C. 06 (M)

Kept below. The connected records are enclosed.

Yours faithfully,

For Collector.

AM/7.7.53.

P.W.D.(H-1)

Letter No.34903 H/53- 4 d/ 24-7-53

To

The Secretary to the Govt. of India,
Ministry of External Affairs,
NEW DELHI.

Sir,

Sub:- EVACUEES - Financial assistance granted to Srimathi Thekkambad Vannathan Kizhakeveetil Cheriya.

Ref:- From the Govt. of India, Ministry of External Affairs, No.F5.28/50-B.II d/3-10-50.

I am directed to state that under the Govt. of India's scheme -- financial assistance to evacuees, Srimathi Thekkambad Vannathan Kizhakeveetil Cheriya was granted a total recoverable advance of Rs.700/-. While taking steps for the recovery of the advance the Collector reported that the grantee possessed sufficient means to repay the Govt. dues and that the amount might be recovered by filing a suit. The Govt. of India, ~~who was addressed,~~ approved the proposal to file a suit against Thekkambad Vannathan Kizhakeveetil Cheriya ~~in regard to~~ for the recovery of the advances granted to her. Subsequently a Civil Suit was filed in the Court of the Dt.Munisiff, Hosdrug which was decreed in favour of the Govt.

2. ~~I am further to add that,~~ subsequently, when the execution petition was filed, it was reported that the properties which stood in the name

p.t.o

16

of the grantee really belonged to her daughter, that the same was in her exclusive possession and enjoyment. The Collector of ~~Malabar~~ South Kanara, who was again consulted, confirmed the fact that the properties really belonged to ~~her~~ the grantee's daughter and that the confusion arose from the fact that both the judgment debtor and her daughter go by the name of Cheriya. ~~In this connection,~~ I am also to enclose a copy of letter No.Ref.Spl.C.B.9/51 d/5-1-53 from the Collector of ~~Malabar~~ South Kanara, (1 Jan to) ~~and~~ request that ~~in the circumstances explained,~~ as the amount is not recoverable, the concurrence of the Govt. of India for writing it off ~~as irrecoverable~~ may be obtained and communicated to this Govt. at an early date.

23-1-53.

24.7.53

para 1 p1-4

p 9 ef

para 2 p13cf

p. 13 ef

17

-5 P.W.D(HP)

Letter No. 34903 H/53 d/27-8-53

To

The Secretary to the Govt of India,
Ministry of External Affairs
New Delhi.

Sir,

Subject - Evacuees - financial assistance granted to Smt. Thekkambad Vannathan Kizhakevedtil Theriya.

Ref - This govt's letter No. 34903 H/53-4 d/24-8-53

pp 15-16 of.

I am directed to enquire where the orders of the Govt of India may be expected.

Yours faithfully,

KNS 26-8-53

CB 26.8.53

26/8/53

Cf.Spl.C.B.9/51/49 South Kanara Collector's Office,
Mangalore dated 20---8----1953.

From

Sri A. Mahalingam Chettiar, B.A.,
Collector of South Kanara.

To

The Secretary to Government,
Public Works Department,
Fort St.George,
Madras-9.

Sir,

Sub:- Financial assistance to dependants of evacuees - Grant of Rs.700/- to Thekkambad Vannathan Kizhakeveettil Cheriya @ Tricarpur Village-Recovery -Report -orders solicited.

Ref:-This office Ref.Spl.C.B.9/51 dated 6.4.53 and 5.7.53

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In inviting attention to the references cited above I request that orders passed by the Government may kindly be communicated to me.

Yours faithfully

For Collector.

sr/21-8

21

Memo. No-34903-H/53-P.W. d/21

Subject- Evacuees - Financial assistance granted Thekkambad Vasudeva Kizhakeveetil Cheru

Ref from the Collector of South Kanara. Ref. Spl. T.B. 9/51 A.9 d/ 20-8-53

The Collector of South Kanara is informed that the orders of the govt of India are awaited in the matter

KPS 29-8-53 CK 29.8.53

To The Collector of South Kanara

ASST. SECRETARY TO GOVERNMENT
1 SEP 1953
PUBLIC WORKS DEPARTMENT

No.F.5-28/50-BII(ConsII)
Government of India
Ministry of External Affairs.

New Delhi the 14 September,53

02794

To

The Secretary to the Government of Madras,
Public Works Department,
Madras

Subject:-Evacuees - Financial assistance paid to Srimathi Thekkambad Vannathan Kizhakeveetil Cheriya.

Sir,

I am directed to refer to your letter No. 34903 H/53-4 dated the 24th July,1953 and to say that from the Collector of South Kanara's letter No. W2.30560-49, dated the 12th April,1950, received under your letter No.2091-H/50-1 dated the 24th April, 1950, it appears that besides the garden referred to by you, the evacuee was in possession of the other landed property, including a tiled house. You have not stated as to what happened to that property and whether it was not possible to realise the decretal amount from that property, if the garden is now found to be the exclusive property of the daughter of the evacuee who is said to bear the same name, viz. Cheriya, as the evacuee. I am also to request you to ascertain and let this Ministry know urgently

(1) whether Srimathi Cheriya, daughter of the evacuee, is married, and if not, whether she is living with her mother,

(2) whether she inherited the garden in question from her father, and

(3) whether she received any benefit out of the amount of advance paid to the evacuee, i.e. her mother.

2. I am also to request that all the relevant papers, including enquiry papers may kindly be obtained from the local authorities and forwarded to this Ministry at an early date.

3. The plaint, as approved by the Government of India, may also please be furnished to this Ministry which will be returned to you as soon as done with.

Yours faithfully,

P. Sinh K.

(P. Sinh)
Thakore Saheb of Kotda Sangani
Under Secretary

24 11/22/9

P.W.D(HI)

Endt No. 34903 H/53-7d/21-9-53

Referred to the Collector of South Kanara for early ~~remarks~~ action and report.

Revd. 18.9.53

CVS 21.9.53

AM 21-9-53

Addl WS 23/9/53

FG

The Collector of S. Kanara (with 4 copies of page 23 ante

11/26/10

P.W.D(H
Memo. No. 34903H/53 Dt 22-10-53

Subject - Evacuees - Financial assistance granted to Smt. Thekkambad Vaunathan Kizhakevedi Cheriya - recovery.

Ref. Govt. Endt No. 34903H/53-
1. 24 of d/ 21-9-53-

The Collector of South Kanara is requested to expedit his report or state when it may be expected.

KNDE
21-10-53

CB
22.x.53

22x53

To
The Collector of South Kanara

28/X

Ref.Spl.C.B.9/51.A9. S.Kanara Collector's office,
Mangalore dated 29.10.1953.

From

Sri A.Mahalingam Chettiar,I.A.S.,
Collector of South Kanara.

To

The Asst.Secretary to Government,
Public Works Department,
Fort.St.George, Madras.9

Sir,

EVACUEES:Financial Assistance granted to Srimathi Thekkambad Vennathan Kizhakeveetil Cheriya - Recovery - Further particulars- Submitted-

Ref:Govt. Endt. No.34903/H/53.7 dt/ 21.9.1953.

Enquiry shows that the payee Srimathi Cheriya did not possess any other landed property other than the garden now found to be the property of her daughter Cheriya. The tiled house referred to is situated in the garden mentioned above.

2. The other particulars called for are furnished below:

1.Srimathi Cheriya daughter of the payee is married but she is living with her mother even after marriage.

2.She did not inherit the garden in question from her father. She belongs to a family following Marumakkathayam law of succession under which she inherits the properties of the mother.

3. She has received benefit out of the amount of advance paid to her mother.

3/- All the connected records were submitted to the Government with this office Ref. Spl.C B.9/51 dated 5.7.1951 and they have not been received back. A copy of the Government memo.No.2991/50.4 dated 9.10.50 and a copy of the Plaint as approved by the Government of India are submitted herewith.

Yours faithfully

For Collector.

mv 30.10.53

C[illegible] 2091/[illegible] 8th October, 1950

Subject: Evacuees - Recovery of advances granted to - Institution of a Civil suit against Venkata Viziarake Venkatil Cheriya

Ref: Collector of Malabar, Dis. No.W2-8 507/49 dated 18-4-50

From the Government of India, Ministry of External Affairs, No. 15-28/50-[illegible] dated 5-10-1950.

...

A copy of the reference cited is forwarded herewith. A copy of the Government of India, Ministry of External Affairs, No. F.15-28/50-[illegible] dated 5-10-1950 is forwarded to the Collector of Malabar, Tellicherry, for necessary action and report in due course.

(J. G[illegible],
Deputy Secretary to Government.

...

Copy of letter No. F.5-28/50-[illegible] dated 3rd October, 1950 from Government of India, Ministry of External Affairs, New Delhi addressed to the Secretary to the Government of Madras, Public [illegible], Fort St. George, Madras.

Sub: Evacuees - Recovery of advances granted - Institution of a Civil suit against Venkata Viziarake Venkatil Cheriya.

...

With reference to your letters Nos. 2091-A/50-1 dated the 24th April, 1950 and 2091-A/50-2 dated the 26th August, 1950 on the subject noted above, I am directed to say that the Government of India approve of the proposal to file a suit against Venkata Viziarake Venkatil Cheriya in regard to the recovery of advances granted to her under the Government of India scheme of financial assistance to evacuees.

Application for permission to the Collector of South Canara to represent the Central Government in the proposed suit in Canara is being forwarded.

Draft plaint in this case is enclosed. Please return the draft plaint with such amendments as may be necessary.

31

IN THE COURT OF THE DISTRICT MUNSIF OF HOSDRUG

O.S.No. 1950.

Between

Union of India represented by the Collector of South Kanara, Mangalore. } Plaintiff

and.

Thekkanpad Vannathan Kizhake Veetil Cheriya.(aged 70' } Defendant.

Plaint under S. 26 and 7 rule I of C.P.Code.

Plaintiff begs to state as follows:

1.That the plaintiff is the Union of India represented by the District Collector of South Kanara, Mangalore and Plaintiff's address for service of processes of court is as stated above.

II. The defendant is the daughter of Kumba aged about 70 years, Vanathi by caste, house hold work and resides in Thalachalath of South Trikarpur village, Post Trikarpur Kasaragod taluk.

III(1)The defendant is the mother of C.Kannan who was in Singapore an enemy occupied country in 1944. Under the scheme of financial assistance sanctioned by Government of India to the evacuees and dependants of persons stranded in enemy occupied countries the defendant executed a bond on 1.2.1944 in favour of the plaintiff under the terms of which she had under taken to repay in full on ~~dq~~ demand the amount paid to her by Government for her maintenance and accommodation. It is also provided in the bond that a certificate of the Dt.Magistrate of South Kanara that a certain sum has been so expended shall be conclusive and binding on all parties.

(2)That in pursuance of the bond executed by the defendant she was granted a total recoverable advance of Rs. 700/- between 1-2-44 and 11.9.46.

(3)The defendant has not paid any portion of the amount in spite of a written notice of demand dated 17.12.1949.which was accepted by her on 11.1.1950.

(4)The plaintiff produces herewith the certificate of the Dt.Magistrate showing the amount due from the defendant as per terms of the bond.

IV.That the cause of action for the suit arose on 17.12.1949

the date of demand notice served on the defendant and subsequently also in South Trikarpur village Kasaragod Taluk within the jurisdiction of this court.

V. That the plaintiff values the suit for purposes of court fee and jurisdiction at Rs. 709-10-0 and pays a court fee of Rs. 79-12-0 under S. 7(i) schedule I article 1 of court fee Act.

VI. Plaintiff prays for a decree and judgment for the following reliefs.

1. Directing the defendant to pay the plaintiff Rs. 700-0-0

2. Interest thereon at 6 per annum from 17.12.1949 to 17.3.1950 Rs. 9.10.0

Total 709-10-0

3. Future interest and costs of suit with interest thereon and grant plaintiff such other and further reliefs as this court may deem fit.

Mangalore
17.3.1950

Plaintiff

PLEADER FOR GOVERNMENT.

I, the Collector of South Kanara, Mangalore do hereby declare that the facts stated above are true to the best of my knowledge and information

Mangalore.)
17.3.50)

Plaintiff.

DOCUMENTS FILED AND RELIED ON BY PLAINTIFF.

1. 1.3.44 Bond executed by the defendant.

2. 17.12.49 Demand notice served on the defendant.

3. 50 Certificate of the Dt.Magistrate showing the amount due from the defendant.

4. 50 Government of India Notification authorising the Collector of South Kanara to file the suit.

Mondrug
2-50

Pleader for Government.

Home (R&E) Deptt
Telegram No. 20627/0 (53-14-26.11.53)

Reg. Post

25/26/11

To

The Secretary to the Govt of India
Ministry of External Affairs,
New Delhi.
(with ends)

Subject - Expenses incurred in connection with the medical assistance granted to Smt. Thekkanikkad Vannathan Kizhakaveetil Cheriya - Recovery

Ref. from the Govt of India,
M.E.A. No. 71-5-28/50 B II (Cons II) d/ 14-9-53

With reference to the letter cited, I am to forward herewith

2 36

from the Collector of South Kanara,
a copy of letter No. ~~Ref~~ Stpl. to-B. 9/51.49
d/28-10-53 ~~together with its enclosure~~
on the subject mentioned above and to
request that necessary further action
may kindly be taken in the matter.

→ pp 31-33 ✓

~~2. I am to forward herewith~~

2. The personal file, blank as approved by the Govt of India and other records ~~records~~ relating to the grantee are also sent herewith.

(J)

4 b

KNS
24-11-53

25/11/53

No.F.5-28/50-BII(Consular II)
Government of India
Ministry of External Affairs.

--

New Delhi the 19th January,54

ASSISTANT SECRETARY TO GOVERNMENT
25 JAN 1954
HOME DEPARTMENT

To

The Secretary to the Govt. of Madras,
Home Department (R. & E.),
Madras

1153

Subject:- Evacuees - Financial Assistance granted to Srimati Thekkambad - Venmathan Kizhakeveetil Cheriya - Recovery.

Sir,

I am directed to refer to your letter No.206270/53-1, dated the 26th November,1953, and to say that it is observed from the report of the Collector of South Kanara that the property (garden) in question was inherited by Shrimati Cheriya (the daughter) from her mother, who must have inherited the property from her husband. At the same time it is also reported that Shrimati Cheriya (the daughter) also received some benefit out of the amount of advance paid to her mother under the Government's financial assistance scheme. In view of the circumstances stated above the Government of India are of the opinion that the State Government should make all possible efforts to recover the sum involved from the daughter, Shrimati Cheriya. In case, it is not possible to recover the amount from Shrimati Cheriya (the daughter), the State Government can write off the sum involved, on the merits of the case, under the powers already delegated to them by the Government of India to write off the irrecoverable advances, under intimation to this Ministry.

The personal file and other records relating to the grantee are returned herewith (in original).

Yours faithfully,

(P. Sinh)
Thakore Saheb of Kotda Sangani
Under Secretary

38

37
30/1

Home (RdE) Dept

Endl No 20627 RdE RdE/53-2

Copy communicated to the Collector of South Kanara for information with reference to his letter cited in the preceding paragraph. He is requested to furnish further enquiry report if necessary.

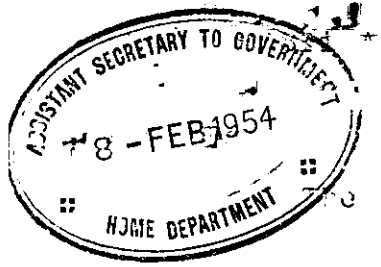
KMD
28-1-54

29.1.54

1123.

To
The Collector of South Kanara
(with a copy of page 37 ante)

Ref. C.I.P.2/51-52. [illegible]



[illegible]

[illegible]

Sir,

[illegible]

Ref: 1. [illegible]

[illegible] that the order [illegible]

[illegible] be communicated [illegible]

[illegible]

40

Home (R & E) Deptt

Page 39 ante may be perused.

In view of the Endt on P 38 ante, no reply from the Collector's reminder is necessary. Since issued,

~~action is called for on this letter dtd~~

The Collector is reprint called for in the Endt on page 38 ante may be awaited till 10-3-54

KNS
20-2-54.

25/2/54

Fd

The file was by mistake mixed with the files that was sent to AS meeting. Digest very much for the mistake committed and request to be excused by [illegible]

41

R f.Spl.C.3.9/51/A9.

Office of the Collector of South Kanara, Mangalore,
Dated 14--2--1954.

From

Sri A. Mahalingam Chettiar, I.A.S.
Collector of South Kanara

To

23093/1712

The Assistant Secretary to Govt.
Home (R & E)Department,
Fort St.George,
Madras-9.

Sir,

EVACUEES -Financial assistance Granted to Srimathi Thekkambad Vennathan Kizhakevatil Cheriya -Recovery Return of records -Requested.

p 38 ante Ref:-Government Endorsement No.206270 (F&E)/53-2 dated 29.1.54.

The personal file and other records relating to the above mentioned grantee may kindly be returned to me.

Yours faithfully

For Collector.

sr/15-2

Home (R&E) Deptt

By registered Post

Memo No 206270 R&E /53-3 d/9.3.54

Subject - Evacuees from Burma, Malaya etc — Financial assistance granted to Smt. Tekkambad Vennathan Kizhakeveetil Theriya — recovery

Ref - from the Collector of South Kanara No Spl. T.B.9/51/A-9 d/14-2-54

The personal file and other records relating to the grantee Smt. T.V.K. Theriya are sent herewith. The Collector of South Kanara is requested to acknowledge their receipt.

The Collector of South Kanara: with P.F. and other records (in original)

41

C.F 32 11,82,490—24-12-52

Department | Received ——— Registered ———

From (Name) Sri A.Mahalingam Chettiar, T.A.S. | To

Designation Collector of S.Kanara. | The Additional Deputy Secretary to Government Home (&) Department Fort St.George Madras 9.

ASSISTANT SECRETARY TO GOVERNMENT
-2 APR 1954
HOME DEPARTMENT

Enclosures: No. Ref.Spl.C.B.9/51-A9 Dated 30.3.54 195

Sir,

EVACUEES FROM BURMA MALAYA ETC: Financial assistance granted to Srimathi Thekkambad Vennathan Kizhakevoetil Cheriya- recovery - receipt of records- acknowledged.

Ref: Government Memo No.206270/ P & W/52-3 dated 9.3.54.

The personal file and other records relating to the above mentioned payee sent with the Government Memo cited have been received.

Yours faithfully,

For Collector.

16672

IC/31.3.54.

Home (R&E) Deptt

Page 45 ante

Submitted for perusal. The receipt of the Collector's ~~[illegible]~~ Cases for in the Estt. on p. 38 ante report may be awaited till 1-5-54

KMS 3-4-54

3/5/54

3/5/54

2/

206270

47

C.E. 98—20,796—50,005—28-8-53.

Home DEPARTMENT.

REMINDER. R.4.E Branch.

To THE Collector of Guntur

~~have the honour to invite~~
am directed to invite attention to Collectin's
ref ~~his~~ D.O. C.B. G.1/5-1 d/ 30-3-54
~~No.~~ _____, dated _____ and to request
~~to suggest that the reply to it may be expedited~~
~~request that this reminder may~~ be returned ~~at once~~
with information as to—

(1) the stage at which the matter now is, and
(2) the date by which a reply may be expected,
~~and~~
(3) ~~the circumstances which have caused the delay~~

Office Home Deptt

Station Ft. St. G.

Dated 10-5-54

Signature.

Joint Secretary to Govt

Designation.

SUBJECT

19-5-54

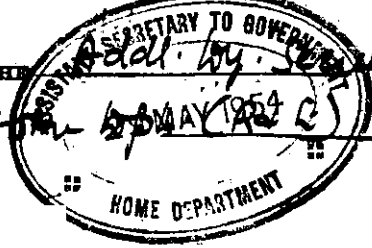
Encashment of arrears from Burma Malaya etc - Financial assistance to be granted to Smt. T.V. Kuppathevee-il. Cheerusa - Recovery.

(P.T.O.

4-8

C.F. 98.

REPLY.



To The Addl. by. Secretary to Govt.
Madras.

Sir,

The matter is being enquired into and I shall be able to submit my report by 15.6.54. I request that time till then may kindly be granted to me.

Yours faithfully,

75226

S.K. Collector
Office Mangalore
Dt. 24-5-54

for Collector
24/5/54

Home (SR & LE.) Deptt

Page 48 ante.

1.— Submitted for perusal:
the final report from the Collector
of South Kanara may be awaited
till 1-7-54.

9.6.54

KMS.
7.6.54.

E.R. Defaulted
10/6/54

Ref.Spl.C.B.9-51-A9.

S.Kanara Collector's office
Mangalore dated 26.8.54.

From

Sri V.Seetharama Servai,B.A.,
Collector of South Kanara.

To

The Additional Deputy
Secretary to Government,
Home Department (Police)
Fort St. George, Madras 9.

ASSISTANT SECRETARY TO GOVERNMENT
30 AUG 1954
HOME DEPARTMENT
115195

Sir,

ACCIDENTS FROM BURMA, MALAYA ETC: Financial assistance- Recovery of- case of Srimathi T.V.K.Cheriyamma- Write off- proposals- report- submitted.

Ref: Government's exchange reminder dated nil.

A report has been called for in this matter from the Deputy Tahsildar, Hosdrug. He has been reminded this day. I shall submit my final report immediately on receipt of his report.

Yours faithfully,

27.8.54.
For Collector.

IC/27.8.54 -A

Home (Poll. E.) Dept.

Page 51 ante

Submitted for perusal

The Collector's final report may be awaited till 30-9-54.

KWS.
31-8-54

29.8.54

29/8/54

29/8/54

Ministry of External Affairs
GOVERNMENT OF INDIA.

5-3 R. & E.

No. F. 5-28/50-B II (Cons. II) Department.

Dated the 24-9 1954.

Subject :— Evacuees - Financial assistance granted to Shrimati T. V. K. Chuniya - Recovery.

The undersigned is directed to invite attention to the communication noted in the margin and to request ~~that the return of the file be expedited, enquiry how the case stands.~~ the favour of an early reply.

No. F. 5-28/50-B II (Cons. II) dated 19.1.54

for Secretary
Ministry of External Affairs

S. 10.

MFP—130 S&P—0772—(M-109)—14-10-46—10,00,000.

54

India Govt

ON ~~HIS MAJESTY'S~~ SERVICE

The Secretary to the Govt of Madras, Home Dept (P & E),

(Raja of Alirajpur)
DEP SECRETARY MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI.

55

Home (Rd & E) Deptt

Letter No 206270/RE/53-4

To

The Secretary to the Govt. of India
Ministry of External Affairs
New Delhi.

Sir,

Subject: Evacuees from Burma, Malaya etc. - Financial assistance granted to evacuees - Case of Smt. T.V.K. Thangam Raswamy

Ref: From the Govt. of India, M.E.H No. M.6-28/50 B II (Com II) d/24 9/51

I am to say that ...

Ref.Spl.C.B.9/51/A9.

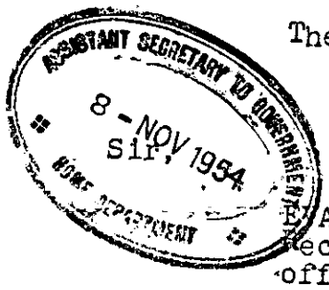
From

South Kanara Collector's Office,
Mangalore, dated 1---11---1954.

Sri M.G.Raja Ram, I.A.S.,
Collector of South Kanara.

To

The Secretary to Government,
Home Department (R & E)
Fort St.George,
MADRAS-9.



Sir,

EVACUEES FROM BURMA, MALAYA ETC - financial assistance recovery of - Case of Srimathi T.V.K.Cheriya - Write off - Proposals - submitted.

144515 8/11

--:o:--

Ref:-1.Copy of letter No.F.5.28/50/B11(Cons.II)from the Government of India, communicated in Government Endorsement No.206270/R & E/53-2 dated 29.1.54.
2.Govt.letter No.206270/R & E/53-4 dated 11.10.54

--:o:--

Under the scheme of grant of financial assistance to evacuees and their dependents, Srimathi Thekkambad Vemmathan Kizhakaveetil Cheriya of South Pricarpur village was granted a total recoverable advance of Rs-(700-0-0) seven hundred only at the rate of Rs.20/- per month beginning from October 1943 to August 1946. The payee availed of this financial help from the Government at the time when her son V.K.V.Kannan was stranded in Singapore during the last war. The payee has not so far paid any portion of the advance.

2. A Civil suit was filed in the court of the District Munsif Hosdrug which was decreed in favour of the Government in O.S.No.46/51. The defaulter's daughter however, filed a petition before the court for raising the attachment of properties effected on the ground that the properties belong to her and were in her exclusive possession and enjoyment. The attachment on the properties was, therefore, raised by the court after an enquiry.

3. The pleader for Government Hosdrug was subsequently consulted about the filing of a suit to set aside the above order. But he was of the opinion that no useful purpose would be served by filing a suit in this case. Further enquiries disclosed, that the payee has no movable or immovable properties to be proceeded against for the recovery of the advance. This fact was also reported to the Government in this office Ref.Spl.C B. 9/51 dated 6.4.53.

The Total amount due in this case works out to Rs.878-11-0 inclusive of interest, court fees, decree amount etc. from the date of decree (15-3-1951) to the date of write off proposals (28.9.54). Attention is invited to the separate working sheet enclosed herewith.

5. The Government of India in their letter No.F.5.28/50 B.II (Consular II) dated 19.1.54 have observed that if it is not possible to recover the amount from the payee, the State Government can write off the sum involved. As explained above there are no means to recover the advance granted. I therefore recommend, that the amount of Rs.878-11-0 due to the Government in this case may be ordered to be written off the accounts as irrecoverable.

6. The records of this office 191/323 - pages 1-118 and proposals in the prescribed form are enclosed.

Yours faithfully

4-11-1954.
For Collector.

sr/11-11

FORM NO.I

(Prescribed in Government of India letter No.G.40/48/E dated 31st August 1949 Ministry of External Affairs communicated with Government (Public Works, Department) endorsement No.5197/H/49/1 dated 7.9.49.

--:o:

Statement of Evacuees/stranded persons/Dependants who are unable to repay advances granted to them during the war in the District of South Kanara.

1. Name and present address of the payee: Srimathi Thekkambad Vennathan Kizhakeveetil Cheriya of S. Tricarpur village, Hosdrug Sub Taluk, (South Kanara District)

2. Pre-war income on the basis of which advance was granted: No income. Depending on her son V.Kannan.

3. From period during which advance granted - From October 1943 to August 1946.

4. Rate at which advance was granted: Rs.20/- per month.

5. Total amount advanced: Rs.700/- plus 40/- Interest thereon at 5½% per annum from 17.12.49 to 31-12-50

6. Amount recovered: Nil

7. Net amount recoverable: Rs.700 plus 40 plus 115-8-0 plus 23.3.0 = 878-11-0

8. Present income of the evacuee – Nil

9. Particulars of immovable property possessed by the Evacuee dependent in India or Burma/Malaya and its value: Nil

10. Remarks if any: The payee is an old woman aged 84 years. She has no moveable or immovable properties. She has no means to repay the amount advanced to her. Further details have been furnished in the enclosed report.

South Kanara Collector's Office,
Mangalore, dated 1--11-1954.

4-11-54.
For Collector.

FORM NO.II.

EVACUEES - DEPENDENTS NAME:

(Information required to be furnished in Government Public Work Department Memorandum No.12005/H/47 1 dated 7th May 1947 communicating letter No.F.40/47/E dated 29th April 1947 from the Government of India, Department of Commonwealth Relations, dated 29th April 1947)

not put up

1. Exact Nationality	Indian
2. Pre-evacuation address in Burma, Malaya, etc.	Does not arise.
3. Whether Government servant or not prior to evacuation. if a Government servant, the Department or office of the Govt. under which served	Not a Government Servant.
4. Pre-evacuation occupation if a non Government servant	Household.
5. Total amount granted under the scheme of Assistance to Evacuees	Rs.700/- plus 40/- = 740/- Court costs: 115-8-0 interest 23-3-0 Comptante.
6. Govt.to which advances have been debited.Govt. of India Govt.of Burma His Majesty's Govt.etc.	Government of India.
7. Next of Kin in Malaya, Burma, etc., as well as in India	Cheriya D/O the payee.
8. Address in Malaya Burma etc., to which the ~~evacuee~~ evacuee is proceeding occupation which the evacuee is going to take up in Burma Malaya etc., or has taken up and present income	--
9. Information regarding assets i.e.moveable or immovable property in India, Burma Malaya, etc., cash shares in Bank, Provident Fund Accounts etc., if readily available	Nil.

South Kanara Collector's Office,
Mangalore,dated 1--11--1954.

4-11-54.
For Collector.

SR/6-11

WORKING SHEET FOR THE CALCUATION OF AMOUNT TO BE WRITTEN OFF AS IRRECOVERABLE.

***

Total amount granted.	Rs. 700--0--0
Interest thereon at 5½% per annum from 17.12.49 to 31.12.50	Rs. 40--0--0
	740--0--0
Court cost	Rs. 115--8--0
Interest thereon at 5½% from 15.3.54 (date of decree) to 28.9.54 ..	Rs. 23--3--0
Total amount to be recovered ..	Rs. 878-11--0

South Kanara Collector's Office,
Mangalore, dated 1--11--1954.
sr/4-11

1-11-1954.
For Collector.

Home (R&E) Deptt

Memo. No. 206270 R&E/53-5 dt 1/12/54

Sub :- Evacuees from Burma, Malaya etc., - Financial assistance granted - Recovery of - case of Smt. T. V. K. Cheriya - Write off - Proposals - Original Records - called for.

Ref :- From the Collector of South Kanara, No. Spl. C. 89/51/A9 dt 1.11.54.

pp 51-62 cf.

The Collector of South Kanara is informed that the records of his office 191/323 - pages 1-118, referred to in para 6, of this letter cited have not

p. 58 cf.

P.T.O

been received by the Agent. ~~Hence~~ He is Hereby requested to send the records ~~Vacancy~~ ~~regularly~~.

~~19.11.54~~

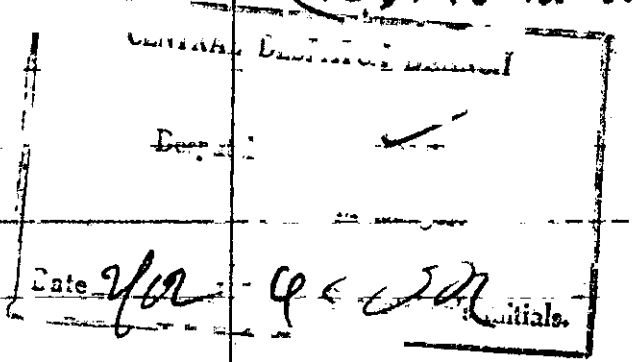
29/11/54

3/12/54

To,

The Collector of South Kanara, Mangalore

(R.D. 15.12.54.)



Ref.Spl.C.B.9/51-A9.

S.Kanara Collector's office,
Mangalore dated 6.12.54.

From

Sri A.Kunhamed,B.A.
Collector of South Kanara.

14 DEC 1954
HOME DEPARTMENT

To

The Additional Dy.Secretary to
Government,
Home Department,
Fort St.George,Madras 9

Sir,

Sub: Evacuees from Burma, Malaya etc--Financial assistance granted--Case of Srimathi P.V.K.Cheria--Write off--Proposals--Original records--Submitted.

161710

Ref: 1.This office ref.Spl.C.B.9/51-A9 dated 1.11.54.
2.Government memo No.20C270 [illegible] dated 1.12.54.

The records of this office F.F.191-328 pages 1 to 112 are submitted herewith.

Yours faithfully,

7.12.54.

for Collector.

IC/7.12.54.

GOVERNMENT OF INDIA.

No. F. 5-28/50-Bl (Cons) Department.

Dated the 21.12.1953

Subject :— Evacuees - Case of Srimathi T. V. K. Cheriya Recovery

The undersigned is directed to invite attention to the communication noted in the margin and to request ~~that the return of the file be expedited~~ the favour of an early reply. ~~enquiry how the case stands.~~

No. dated Your letter No. 11-10-53

20 6270 R&E

ASSISTANT SECRETARY TO THE GOVT. OF INDIA

265540

Under Secretary,
Ministry of External Affairs

To

MFP—32[illegible]—5772—(M-422)—8-4-49—1,500,000.

ON HIS MAJESTY'S SERVICE.

ON INDIA SERVICE

To

The Secretary to the Govt. of
Madras, ~~Madras~~ Home Deptt.
~~Public Works~~ (R & E), Madras

Under Secretary
Ministry of External Affairs
New Delhi

C.No. 206270/53

Home (Spl.) Dept.
202-24-7-55
P.W.D. (H.)

G.O. Ms. No. 3806 dated 24/12/54 195

EVACUEES—South Kanara District—Financial assistance to evacuees and their dependants—Amounts irrecoverable—Case of Smt. Thekkambad Vennathan Kizhakeveetil Cheriya—Written off.

Ref:—From the Collector of South Kanara, No. Spl. C.B. 9/51/A9. 20/1.11.54 and 6.12.54

Read:

Order:

Sanction is accorded to the write off, as irrecoverable, of the amounts shown against the following defaulters in South Kanara District which were granted under the Scheme of Financial Assistance to evacuees:—

Name of the evacuee	Amount
Smt. Thekkambad Vennathan Kizhakeveetil cheriya	Rs. 878-11-0

(Rupees Eight hundred and seventy eight and annas eleven only.)

2. The Personal file of the grantee (pages 1-118) is returned herewith. The Collr. is requested to acknowledge its receipt.

To
The Collector of South Kanara (with p.f.)
The Board of Revenue, Madras by R.P.
The Accountant General, Madras.
The Secretary to the Govt. of India, Ministry of External Affairs, W. R. & Rehabilitation, New Delhi No. F. 5-28/50 B II (Cons II) dt. 19/1/55

C.F. 82( )— 70,10,568—20-1-54

Revenue Department

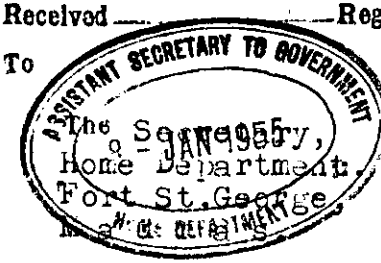
From (Name) Sri A.Kunhamed,B.A.,

Designation Collector of S.Kanara,

Station Mangalore.

Received ——— Registered ———

To



The Secretary,
Home Department,
Fort St.George,

Enclosures: No. Ref.163/55, dated 3-1-55

Sir,

2776

EVACUEES--South Kanara District--Financial Assistance to evacuees and their dependants-Amount irrecoverable Case of Smt.Thekkambad Vennathan Kizhakeveetil Cheriya Written off--Receipt of record--Acknowledgement

---

Ref: G.O.Ms.No.3806 dated 24.12.1954

Acknowledged.

Yours faithful

6-1.55

For Collector.

PKI.6.1

P.W.D.(H-1)

Sub:- Evacuees - Financial assistance - Recovery - Case of Smt. - Thekkambad Vannathan Kizhakke Veetil Cheriya.

Ref:-From the Collector of South-Kanara Ref.Spl.C.B.9/5 dated 6-4-53 & 1.5.53

Under the Government of India's scheme of financial assistance to evacuees, Thekkambad Vannathan Kizhakke Veetil Cheriya of South Tricarpur village, Kasaragad Taluk was granted a total recoverable advance of Rs.700/- (Rupees seven hundred only) at the rate of Rs.20/- per mensem from October 1943 to August 1946. While taking steps for the recovery of the advance, the Collector reported that the grantee possessed sufficient means to repay the advance paid to her but that she was not ~~included~~ disinclined to do so. He also reported that she was in exclusive possession and enjoyment of the properties comprised in R.S.291/1 (part) and S.No.291/1B of South Tricarpur village with a good tiled house worth more than Rs.4000/ besides an annual income of Rs.700/- from her coconut gardens. He therefore proposed that the amount might be recovered by filing a suit against the grantee. The Government of India were accordingly addressed and they approved of the proposal to file a suit against the grantee. The suit was filed by the Collector and it was decreed in favour of the Government.

2.Now the Collector has reported that for the reasons given on p.1 c.f. the amount may be written off as irrecoverable. It may be observed from the records of the case that the question of filing a suit to recover the dues was taken in view of the position stated at 'A' above. Now it is brought to light that all these properties referred to at 'A' above belong to the grantee's daughter and are in her exclusive possession and enjoyment. Before addressing the Government of India in the matter, it is for consideration whether the Collector may be consulted w.r.t. 'A' & 'B' above ~~for the wrong report made previously as a result of which the suit was filed and decreed~~ or whether the Government of India may be addressed straightaway.

p.t.o

3. In this connection it is submitted that according to the latest instructions, action for recovery has to be taken only in cases involving Rs.1000/- and above, merely accepting voluntary amounts come in from the lower category of debtors. The amounts in the present case is only Rs.700/- But since the Government of India sanctioned the suit, their orders for writing off the amount now as irrecoverable seem to be necessary unless they specifically state that no action need be taken in the case.

bs 8.5.53 11.5.53

11.5.53

A draft memo to the Collector of South Kanara is submitted for approval.

bs 12/5/53 13.5.53

13.5.53

14.5.53

Issued as Memo. No. 34903 H/53-2 d/14-5-53

From the Collector of South Kanara. Ref Spl B-B 9/51 d/ 5-7-53

Please see the letter from the Collector of South Kanara at P 13 ante. A draft letter to India is submitted for approval.

KMS. 23-7-53

23-7-53

24.7.53

Issued as Letter No. 34903 H/53-4 d/24-7-53

From the Govt of India No. 29/50-B II (Cons II) d/ 14-9-53.

Please see the letter from the Govt of India

(Issued as Endt No. 34903-H/53-7
d/ 24-9-53)

(Issued as letter No. 206270/53-1
d/ 26-11-53 B II)

(From Govt of India, M.E.A. No. 7-5
28/3501/B, II d/ 19-1-54)

If the letter from the Govt of India at page 37 cf may be perused, this draft Endt to the Collector of S. Kanara is submitted on p 38 cf for approval

KVD
28-1-54

28/1/54

29.1.54

(Issued as Endt. No. 206270 RbE/53-2 dt/29.1.54)
(From the Collr. of S. Kanara, No. Spl C.B. 9/51/A9. dt/ 1.11.54)

(Issued as Memo No. 206270 RbE/53-5 dt/ 1/12/54)
(From the Collr. of S. Kanara, No. Spl. C.B 9/51 - A9. dt/6.12.54)

Pl. see the report from the Collr. of South Kanara on pp 54-58 cf. He has since submitted the records referred to in para 6 of his letter on p. 58 cf. In the circumstances stated by the Collr. the amount of Rs 898-11-0 due from Smt. Thekkambad Vennathoor Kizhakeveetil cheriya, may be written off as irrecoverable. In this case the Govt. of India in their letter No. F. 28/50 - B II (Consular II) dt/ 19.1.1954 have already informed

Govt.
What if it is not possible to recover the amount, the State Govt. can write off the sum involved, on the merits of the case, under the powers already delegated to them, under intimation to the Govt. of India ~~Subject to orders~~. A draft order is subtd. for approval.

~~22.12.54~~ 22.12.54

24/12/54

(Issued as G.O. Ms. No. 3806, Home dt/24.12.54) f. 71 cf.
(From the Coll. of South Kanara, No. 163/55 dt/3.1.55) f. 71

Pl. see the letter from the Collector of South Kanara on p. 73 cf. He acknowledged the receipt of the personal file ~~the~~ returned with the G.O. on f. 71 cf. dated. No further action is necessary in this ~~paper~~ file. May be closed with the G.O. on p. 71 cf.

~~2.2.55~~ 2.2.55

2/2/55